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Strategies for effective negotiation in joint ventures in Algeria: Navigating present challenges and future aspirations

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Abstract---This article aims to diagnose and analyze the negotiation process in joint ventures in Algeria, as one of the most prominent forms of foreign direct investment (FDI). The goal is to identify existing challenges and outline the prerequisites for successful negotiations, ultimately contributing to the efficiency of Algeria's economic performance. The first section of the paper presents the conceptual and theoretical framework of negotiation within joint ventures. The second section delves into negotiation strategies and techniques. The third section examines the legal and regulatory framework governing joint ventures in Algeria. The fourth section provides an analytical study of real negotiation experiences in Algerian joint ventures. Finally, the paper concludes by identifying the major negotiation challenges and the key requirements for improving negotiation practices in Algeria. This article offers several insights to enhance negotiation mechanisms in order to strengthen Algeria's attractiveness to foreign investors and support the broader objectives of sustainable development.

Keywords---Joint ventures, International negotiation, Foreign direct investment, Algeria, Investment climate, Investment law.

Introduction

Between 2000 and 2020, Algeria's national economy was marked by several defining features. According to experts and various reports, the period from 2004 to 2020 was particularly shaped by Algeria's economic and social policies, especially through agreements concluded with the European Union regarding the establishment of a Free Trade Area. However, the Algerian economy has faced numerous challenges, most notably in 1994, when all financial repayments came to a halt due to a sharp decline in oil prices. This period was further complicated by the impact of external debt, rescheduling agreements, and a significant drop in foreign exchange reserves in hard currency.

Today, Algeria is undergoing several transformations, particularly in its dealings with various international bodies, including joint ventures established through contracts and agreements—many of which are coordinated with the European Union as part of the effort to establish a Free Trade Area. This marks a significant gain for the national economy, following a period of hesitation. In parallel, negotiations with international organizations and trade institutions have intensified, especially under the framework of the legitimacy these bodies require for restructuring and developing the national economy's infrastructure, including the rehabilitation of national enterprises.

The national economy continues to face formidable challenges that must not be underestimated, especially in the context of liberalizing economic activity and pursuing free trade policies. These efforts are seen as essential preliminary steps toward Algeria's accession to the World Trade Organization (WTO), particularly in an era dominated by global and regional blocs and economic integrations. For Algeria to effectively integrate into the Mediterranean region as part of a comprehensive strategic vision, several key factors must be in place to empower national productive institutions through more efficient mechanisms for joint projects. Among these mechanisms are :

- Encouraging foreign direct investment (FDI), which plays a crucial role in stimulating economic development¹ and mobilizing all economic actors—from public administration to the private sector—toward strengthening economic institutions.
- Signing partnership agreements at the regional, continental, and international levels to benefit from the experiences and expertise acquired by industrialized countries.
- Deepening and implementing structural reforms to create a more favorable investment climate.

This participation will have a positive impact on the future of joint investments by opening new market opportunities for the national economy.

Moreover, it is vital to continue and encourage the Algerian-European partnership, particularly with Africa, benefiting from the experience of active partners in the global economy, such as Southeast Asian countries and China. These partnerships will bring foreign currency to the national economy, reflected

¹ Arab Organization for Multinational Enterprises Activities, *First Edition, Egypt: Dar Al-Nahda Al-Arabiya, 1989.*

in the balance of payments as financial resources. Furthermore, these alliances will contribute to the integration of joint ventures into the World Trade Organization (WTO) and the removal of any obstacles to this process, provided a clear strategy is defined.

- The goal is to develop and promote exports (replacing imports with exports) outside the energy sector.²
- By implementing these mechanisms, which aim to rehabilitate the Algerian economy (including the rehabilitation of Algerian institutions according to international standards), as well as global economies based on knowledge, technology, and investment in human capital, this would serve as a foundation for institutional transformation and innovation.
- Additionally, there is a need for economic institutions that are globally competitive and capable of integrating into the global economy in line with market mechanisms and international competition laws.

The key components of Algeria's economy and its strategy for attracting joint ventures are reflected in the steps taken by Algeria through negotiations with the European Union and its rational integration into the global economy. This has been achieved through an open policy towards foreign partners and a genuine commitment to joining international trade organizations and institutions.

Moreover, we should not overlook Algeria's signing of the partnership agreement with the European Union, as well as the long-standing historical ties with partners such as Germany, with contracts dating back over a century, as well as the Netherlands, France, and other countries within the Organisation for Economic Co-operation and Development (OECD). Algeria is preparing for a gradual trade liberalization (customs dismantling) through a carefully phased approach, with the aim of establishing a Free Trade Area. This will inevitably lead to an increase in risks surrounding Algerian institutions due to the unequal opportunities between Algerian firms and their foreign counterparts, particularly European, American, and even Asian companies (China, Korea, etc.). This situation calls for exploring ways to reduce disparities and mitigate the pressures that are expected from the external environment.

Research Problem

Through its economic reforms and development strategies, Algeria seeks to create an economic diversification that contrasts with the reliance of its economy on the hydrocarbon sector. Joint ventures, as a form of foreign direct investment, are considered one of the key mechanisms to achieve this goal. They are expected to generate wealth, transfer technology, create job opportunities, increase added value, and bring other developmental benefits. However, studies indicate that the success of these ventures is dependent on several factors, the most important of which is the effectiveness of the negotiation process that precedes the signing of agreements with foreign partners.

² HoussamIssa, *Multinational Corporations*, Beirut: Arab Institute for International Studies.
Michel Girthman, *Multinational Corporations*, Cyprus: Interspace Company and the Arab Center for International Studies.

The negotiation process for joint ventures in Algeria faces several challenges, primarily related to the legal framework, negotiating capabilities, and the economic and political environment. Based on the above, the main question addressed in this article is:

To what extent are the negotiation strategies used in the establishment and implementation of joint ventures in Algeria effective?

In order to answer the central research question, we propose several sub-questions that will guide our exploration:

- What are the main challenges hindering the success of the negotiation process in joint ventures in Algeria?
- How can the negotiation mechanisms be developed to achieve better results that serve and enhance the attractiveness of the investment climate?

Importance of the Research

The importance of this research lies in its focus on a crucial aspect that remains a gap in much of the literature related to foreign direct investment: **"negotiation."** Understanding the process and dynamics of negotiation and its challenges in the Algerian context can contribute to:

- Identifying weaknesses in the negotiation process in Algeria, which would enable us to propose ways to improve it.
- Providing recommendations and suggestions to policymakers aimed at enhancing Algeria's negotiating capacity.
- Helping foreign investors understand the negotiation environment in Algeria.

Objectives of the Research

1. To analyze the legal and institutional framework governing joint ventures in Algeria.
2. To assess the effectiveness of negotiations in joint ventures in Algeria today.
3. To diagnose the challenges that must be overcome to achieve the desired effectiveness in the negotiation process for joint ventures in Algeria.
4. To propose mechanisms and pathways to improve negotiations in joint ventures in Algeria.

Research Hypotheses

1. The frequent changes and instability in investment laws negatively affect the success of negotiations and the confidence of investors.
2. The lack of coordination between the government bodies involved in foreign investment, in addition to the weak negotiating capabilities, are factors that hinder the success of negotiations for the Algerian side.
3. Strengthening and developing negotiating capabilities and adopting negotiation strategies based on transparency and shared interests can enhance the success of joint ventures in Algeria.

Section One: The Conceptual and Theoretical Framework of Negotiation in Joint Ventures

• Joint Ventures: Definition and Objectives

There are various definitions of joint ventures, but the most common is that it refers to any form of collaboration between two or more parties from different countries to carry out a specific investment activity that lasts for a set period, governed by law. It is also defined as projects in which two or more countries collaborate, contributing to one or more of the production elements, such as capital, labor, technical expertise, or organization.

The phenomenon of increasing joint ventures, whether in developed or developing countries, is evident, with mergers and alliances between large companies serving as prime examples. For instance, the automotive industry, financial sector, food companies, pharmaceutical manufacturing, and information technology services all have prominent joint ventures. Additionally, major economic blocs such as the United States, Japan, and Western Europe, which account for 75% of global production, have prospered, secured market shares, and gained competitive advantages. The same holds true for newly industrialized nations like the BRICS countries.

Various research studies have addressed the importance of joint ventures. The Arab Economic Unity Council, for example, recognized joint ventures as an essential model in 1973³ for advancing the economic ties between countries and ensuring equitable distribution of benefits. These ventures help establish a productive base that enhances the performance of national institutions and boosts economic growth. Moreover, joint ventures represent an effective way to attract further investments and implement national economic and social development programs.

Joint ventures have attracted significant attention from researchers and economic theorists, who emphasize the importance of regional and international cooperation in emerging economies. They argue that joint ventures are the primary pathway for economic revival, fostering growth and dynamism. By contributing to various economic sectors, joint ventures help boost economic growth rates and modernize national economic and social structures. They also provide essential capital and distribute it to the relevant parties. Additionally, joint ventures facilitate trade, expand the flow of capital, and improve management and technical expertise. Therefore, joint ventures are considered a crucial step toward economic integration, serving as the optimal tool for rational integration into the globalized economy.

Negotiation in International Investment: Concept and Importance

There are several definitions of joint ventures, with the most common being any form of cooperation between two or more parties from different countries aimed at carrying out a specific investment activity that lasts for a period of time and is governed by law. It is also defined as projects in which two or more countries

³ Arab Organization for Multinational Corporation Activities, First Edition, Cairo, Dar Al-Nahda Al-Arabiya, 1989.

collaborate, each contributing to one or more of the production elements such as capital, labor, technical expertise, or organization.

The phenomenon of increasing joint ventures, whether in developed or developing countries, is evident. Mergers and alliances between large companies serve as a major example. For instance, we see this in the automotive sector, financial industry, food companies, pharmaceutical production, information technology services, telecommunications, and more. Additionally, the concentration of economic poles, including the U.S., Japan, and Western European countries, which account for $\frac{3}{4}$ of global production (1), has allowed these regions to thrive, prosper, gain market share, and establish competitive advantages. This is also true for newly industrialized countries, such as those in the BRICS group.

Several research studies have addressed the importance of joint ventures. For example, the Arab Economic Unity Council emphasized the importance of joint ventures as early as 1973⁴ as a significant form of cooperation that advances the linkage of interests between countries, ensuring the fair distribution of returns. This creates a productive base through which the effectiveness of national institutions is proven, and their economic performance is enhanced. Moreover, these projects are the most effective form of directing more investments toward the implementation of economic and social development programs within the national economy.

Joint ventures have received significant attention from researchers and economic theorists, especially with regard to boosting regional and international cooperation. The theory of equal opportunities underscores the importance of emerging economies prioritizing joint ventures, which they recognize as the only way to revitalize the economy and drive dynamic growth.

Theories Explaining Negotiation

- **The Classical Theory**, in which each party takes a stance to defend itself (no concessions or compromises), which ultimately complicates the negotiation process.

- **The Theory Based on the Interests of the Concerned Parties:** This theory relies on the interests of the involved parties as the foundation for reaching creative solutions that maximize benefits for all parties. Many negotiation scholars have adopted and developed Raiff's theory, and Harvard's negotiation project has developed the "Organized Negotiation Theory." Roger Fisher, William Ury, and others defined organized negotiation theory as the process that helps negotiators reach a wise agreement that maximizes the shared interests of all parties, resolves disagreements fairly, and ensures that these solutions remain sustainable, considering the interests of the community the parties are dealing with.⁵

This process is said to require less time compared to the idealistic concessions of the classical method and does not damage the future relationships of the negotiating parties.

⁴Piquemal et Prissert; *Strategy and Economics of International Trade*, Serey Editions, 1986.

⁵Djijja, Nabila, *Lectures on International Negotiation Techniques*, Mohamed Yousfi University, M'sila, p. 11 and 12.

Fisher and Ury identified four essential elements for the success of organized negotiation:

1. Separate people from the problem so that negotiators see each other as collaborators, working together to address the issue.
2. Focus on the common interests of the parties, not their personalities.
3. Generate different options and scenarios before attempting to reach an agreement.
4. Choose an objective standard to measure the validity of the agreement (benchmark).

The theory of negotiation based on the interests of the concerned parties is the prevailing theory today due to the aforementioned advantages. Most management scholars have relied on the "Organized Negotiation Theory" in their writings.

Section 2: Negotiation Strategies and Techniques in Joint Ventures

• **Stages of Negotiation in Joint Ventures**⁶ The negotiation process in joint ventures involves multiple stages, requiring both Algerian and foreign negotiators to prepare thoroughly and focus on mutual interests to achieve satisfactory results for all parties:

1. **Preparation and Planning Stage:** This is one of the most important stages of negotiation, involving the collection of necessary information, analyzing positions, defining objectives and demands, identifying strengths and weaknesses of the other party, and determining possible scenarios with a ceiling for potential concessions. All of this should be outlined in a well-structured negotiation plan.
2. **Preliminary Discussions Stage:** In this stage, the parties get to know each other, build trust, and identify common areas of interest. This is an important stage that facilitates reaching a joint agreement beneficial to both parties simultaneously.
3. **Core Negotiation Stage:** This stage involves discussing offers, proposals, and detailed terms of the contract. Concessions are exchanged, and points of agreement and disagreement are identified. It is essential to maintain flexibility at this stage to reach an acceptable agreement, where responsibilities and commitments for each party are determined, along with a fair distribution of tasks.
4. **Agreement Conclusion and Implementation Stage:** Once an agreement is reached, the contract is carefully drafted and signed. The agreement must be clear and detailed to avoid future disputes.

• **Negotiation Strategies:** The negotiation strategies used in joint ventures vary, and they can be classified as follows:

1. **Collaborative Negotiation Strategy (Win-Win):** This strategy focuses on finding mutual benefits that create added value for both parties. It centers on interests rather than positions and avoids personalizing issues.⁷
2. **Competitive Negotiation Strategy (Win-Loss):** This strategy aims to achieve maximum gains at the expense of the other party through

⁶ Samra, Nader Ahmed Abu Sheikh. (2002). *The Fundamentals of Negotiation*. Dar Al-Maseerah for Publishing, Distribution, and Printing, Amman, p. 48.

⁷ Fisher, Roger and Ury, William. (2013). *Getting to Yes: Negotiating Agreement Without Giving In*, p. 42.

- threats, pressure, and concealing weaknesses.⁸
3. **Settlement Strategy (Concessions):** This strategy is based on the principle of "give and take," where each party makes concessions to reach a common agreement. This strategy is typically used when the negotiating parties have equal power.⁹
 4. **Avoidance Strategy:** This is a temporary strategy that does not solve the problem but can be useful when situations are tense. This strategy helps bypass the crisis and return with a flexible approach aiming for a solution.¹⁰
 5. **Best Alternative to a Negotiated Agreement (BATNA):** This strategy is used when the original negotiations fail. The party with the better alternative is in a stronger position and can confidently present their proposal.¹¹
 6. **Framing Strategy:** This strategy relies on how the issue is framed, presenting it as a collaborative framework rather than a zero-sum challenge.¹²

• **Factors Affecting Successful Negotiation:** Several factors contribute to the success of negotiation, including:

1. **Personal Factors:** These include negotiation skills, emotional intelligence, experience and knowledge, as well as communication skills.¹³
2. **Relational Factors:** Mutual trust, the shared desire to reach a settlement, and understanding the interests of the other party.¹⁴
3. **Procedural Factors:** These involve preparation and planning, clarity of goals, selecting the appropriate negotiation strategy, and effective time management.¹⁵
4. **Contextual Factors:** These refer to the negotiation environment, such as cultural differences, political and economic settings, power balances, and the legal and regulatory framework.¹⁶
5. **Tactical Factors:** These include flexibility, available alternatives, bargaining techniques, and appropriate pressure and persuasion tactics.¹⁷

Section 3: The Legal and Regulatory Framework for Joint Ventures in Algeria

• Development of Investment Legislation in Algeria

1. **Development of Investment Legislation in Algeria:** The legal framework for investment in Algeria has undergone multiple changes since independence, oscillating between periods of closure and openness. Law No. 22-18, dated July 24, 2022, related to investment, represents the latest version in the evolution of investment law.¹⁸ This law aims to

⁸ Lindeman, Natalie. (2018). *Negotiation Strategy, Methods, and Skills*, 3rd edition, p. 45.

⁹ Thompson, Leigh. (2021). *The Mindset of Negotiation: Strategic Thinking in Collaborative Negotiations*, p. 89.

¹⁰ Williams, Gerald. (2019). *Legal Negotiation Strategies*, p. 54.

¹¹ Malhotra, Deepak. (2023). *The Art of Negotiating: How to Get What You Want*, p. 79.

¹² Kahneman, Daniel and Tversky, Amos. (1981). *Prospect Theory: An Analysis of Decision Under Risk*, p. 453.

¹³ Al-Khodairi, Mohsen. (2003). *Developing Negotiation Skills*, Cairo: Dar Al-Kutub Al-Ilmiyah, p. 78.

¹⁴ Abu Sheikh, Nader. (2002). *The Fundamentals of Negotiation*, Amman: Dar Al-Maseerah, p. 55.

¹⁵ Al-Sulami, Ali. (2008). *Negotiation Management*, Cairo: Dar Gharib, p. 37.

¹⁶ Mansour, Sami. (2014). *Negotiation and Crisis Management*, Cairo: Arab Center for Studies, p. 72.

¹⁷ Cohen, Herb. (2020). *The Art of Bargaining*, Cairo: Dar Al-Fikr Al-Arabi, p. 129.

¹⁸ <https://www.mfa.gov.dz/ar/economic-diplomacy/invest-in-algeria/legal-framework>, accessed on 19-04-2025.

simplify procedures, enhance guarantees, offer new incentives, and reorganize the role of the Algerian Investment Promotion Agency.¹⁹ This new law seeks to stimulate investment in priority sectors with high value-added for the Algerian economy, promote sustainable, balanced, and inclusive development, and emphasize the protection of natural resources and local raw materials. It also focuses on encouraging technology transfer, innovation development, and a knowledge-based economy, along with creating permanent jobs. It is noteworthy that this law has abolished the 51-49% rule in most sectors, considering it an obstacle to foreign direct investment flow, but retained certain restrictions in other sectors deemed strategic by the authorities. This impacts the nature and negotiation margins. This law aims to achieve Algeria's economic goals, including economic growth, equitable development, and enhanced competitiveness.

2. **Supporting Institutions for Joint Ventures:** The Algerian Investment Promotion Agency (AAPI) plays a central role as a one-stop-shop for facilitating investment procedures. It is a public institution with administrative character, independent financial status, and operates under the supervision of the Prime Minister. It is responsible for supporting and guiding both national and foreign investors in implementing their investment projects. The agency's main tasks include promoting and enhancing investment in Algeria and abroad, raising awareness among business communities, managing the investor digital platform, registering and processing investment files, and assisting investors in completing related procedures. The National Investment Council (CNI) also contributes to defining strategic policies and granting exceptional benefits. The agency works through a decentralized one-stop-shop, which includes representatives from various departments involved in investment. This aims to simplify legal procedures for establishing a business and implementing investment projects. However, coordination between various bodies (ministries, sectoral regulatory agencies, local administrations) remains a challenge that affects the smoothness of negotiation and implementation.
3. **International and Bilateral Agreements:** Algeria is party to several bilateral investment protection and promotion agreements (BITs) and double taxation avoidance agreements (DTTs). Algeria has signed 46 bilateral investment protection agreements, in addition to multilateral agreements on the same subject. These agreements are a vital source of funds and expertise, enabling the country to strengthen its economic capabilities and gain other benefits, such as workforce training and learning various technologies.²⁰ Algeria is a member of the 1958 New York Convention, the International Centre for Settlement of Investment Disputes (ICSID), and the United Nations Commission on International Trade Law (UNCITRAL). It has ratified the agreement concerning the Arab Investment Guarantee Corporation and Export Credit and has agreed to establish a Multilateral Investment Guarantee Agency. These agreements provide a legal international framework for investors and define dispute

¹⁹ <https://aapi.dz/ar/presentation-de-laapi-ar/>, accessed on 19-04-2025.

²⁰ AmhamadTobal. (2016). *Bilateral Agreements Signed by Algeria in the Field of Investment*, Master's Thesis, Faculty of Law, University of Algiers 01.

resolution mechanisms (often through international arbitration), influencing the power balance in negotiations and strengthening the foreign investor's position in certain aspects. Free trade agreements are also of great importance. Recent agreements, such as the Trade and Investment Cooperation Agreement of 2023, aim to transform the trade and investment landscape, facilitate seamless access to markets, and protect investments.

Section Four: An Analytical Study of Negotiation Experiences in Joint Ventures in Algeria

Case Study: Partnership Agreement with the European Union

Negotiation Analysis:

- **Preparation:** There was a weakness in the preparation for negotiations, as the potential economic impacts were not seriously and comprehensively evaluated.
- **Initial Negotiations:** The Algerian negotiators lacked a clear vision, and the private sector was absent from the negotiation process.
- **Main Negotiations:** These focused on commercial aspects while neglecting long-term developmental aspects, which made the negotiations incomplete. A clear example of this is the (Renault) Oran factory.
- **Agreement Conclusion:** The agreement was concluded without achieving a balance between Algerian and European interests due to the aforementioned factors.

Lessons Learned:

- The importance of meticulous and studied preparation and comprehensive economic impact assessments before entering negotiations.
- The necessity of adopting a participatory approach by involving all stakeholders, including the private sector, in the negotiation process.
- Focusing on all aspects of the agreement, both short and long-term, not just the commercial aspects.
- Adopting a clear negotiation strategy with defined goals and evaluation and monitoring mechanisms based on mutual interests.

Case Studies of Successful and Stalled Joint Ventures

Algeria is a strategic environment for joint ventures due to its natural resources, geographical location, and the need to develop its industrial and agricultural infrastructure. However, the success of these ventures largely depends on negotiation skills during the establishment phase, especially with foreign partners. Some joint ventures have achieved significant success, while others have faced challenges that led to failure. Below are some examples: the expansion of the cement factory in Biskra, Lafarge Holcim's global company with Algeria's GICA, and the development of the gas field in Timimoun between Sonatrach and the French company Total, as well as the Spanish company Cepsa... On the other hand, other projects failed, such as the Desertec solar energy project, which was a German-Algerian alliance aimed at creating a massive solar energy network in the Algerian desert and exporting it to Europe.

Section Five: Negotiation Challenges and Future Development in Algeria Internal Challenges:

1. Bureaucracy and the multiplicity of stakeholders with weak coordination, which raises negotiation costs and increases duration.
2. Weak negotiation skills specialized in international negotiation techniques, complex financial and legal analysis of international contracts, and cross-cultural communication skills.
3. Lack of information and transparency: Difficulty obtaining information about the market and various sectors, and sometimes a lack of clarity in long-term government policies.
4. Instability of the legal framework.

External Challenges:

1. Regional and international competition.
2. Fluctuations in the global economy.
3. Asymmetry in negotiating power, where the Algerian side is often in a weaker position.

Prospects for Negotiation Development in Joint Ventures:

1. Enhancing legal and regulatory stability in investment laws and sectoral policies.
2. Developing and strengthening national negotiation capacities (Porter's five forces)²¹ by adopting specialized programs and seeking assistance from recognized experts.
3. Improving institutional coordination: Activating the role of the One-Stop-Shop (AAPI) in a real way, clarifying the powers of various bodies.
4. Increasing transparency and providing information through digitization and databases.
5. Involving the private sector and consultancy offices and experts.
6. Adopting a strategic negotiation approach: focusing on long-term interests, linking incentives to technology transfer and export, and adopting "win-win" strategies as much as possible.
7. Developing flexible dispute resolution mechanisms: Encouraging alternative dispute resolution methods (mediation, conciliation) before resorting to costly arbitration.

Conclusion

Negotiation effectiveness is a key determinant in the success of joint ventures in serving Algeria's developmental interests. The research paper concludes that the negotiation process in joint ventures in Algeria faces major challenges related to the legal and administrative framework, lack of competencies, and the instability of the investment environment. This confirms all the study's hypotheses.

To improve Algeria's negotiating position and enhance its investment attractiveness, the study recommends adopting a comprehensive approach based on reforming the legal and institutional environment, enhancing transparency, strengthening the information and statistical systems, and focusing on investing

²¹ Michael Porter, *The Competitive Advantage of Nations*, Interdictions, 1986.

in national negotiating human capital and enhancing coordination and cooperation among various stakeholders.

Adopting clear strategic negotiation strategies with long-term goals, based on thorough preparation, targeting mutual interests, and seeking a fair and beneficial balance between the rights of investors and national strategic interests, is the appropriate and effective way to make joint ventures a real driver of sustainable development in Algeria.

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